

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHATEEK AMIN BILAL,

Plaintiff,

-v.-

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.  
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:  
: REPORT & RECOMMENDATION  
: 12 Civ. 1922 (PAC) (GWG)  
:

**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

Plaintiff Shateek Amin Bilal, proceeding pro se, brings this action against several employees of the Department of Corrections and Community Supervision (“DOCCS”) (collectively, “defendants”) arising out of his confinement at Green Haven Correctional Facility. He alleges claims under 42 U.S.C. § 1983, the Americans with Disabilities Act, and the Rehabilitation Act.

Bilal filed his complaint on March 13, 2012, see Complaint, filed Mar. 13, 2012 (Docket # 2), and amended this complaint on July 2, 2012, after receiving identifying information for the John Doe Defendants he had originally named, see Amended Complaint, filed July 2, 2012 (Docket # 14). On March 1, 2013, defendants answered and also filed a motion for partial dismissal.<sup>1</sup> This motion seeks dismissal of Bilal’s claims against defendant Brian Fischer, Commissioner of DOCCS, on the ground that the complaint does not show that Fischer had any personal involvement in the alleged violations of Bilal’s rights. Def. Mem. at 5. Additionally, defendants seek dismissal of plaintiff’s claim for injunctive relief inasmuch as Bilal was paroled on September 18, 2012. Id. at 6. Because “an inmate’s transfer from a prison facility generally moots claims for . . . injunctive relief against officials of that facility,” Salahuddin v. Goord, 467 F.3d 263, 272 (2d Cir. 2006), defendants assert that Bilal’s claim for injunctive relief is now moot.

On May 15, 2013, this Court received a responsive letter from Bilal. See Letter from Shateek Bilal to the Honorable Gabriel W. Gorenstein, dated May 8, 2013 (Docket # 47). In this letter, Bilal “concedes that Commissioner Fischer should be dismissed as a defendant due to lack of personal involvement.” Id. at 1. He also “concedes that since he’s been paroled his request

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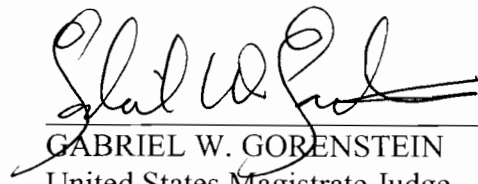
<sup>1</sup> See Notice of Motion, filed Mar. 1, 2013 (Docket # 44); Memorandum of Law in Support of Defendants’ Motion to Partially Dismiss the Amended Complaint, filed Mar. 1, 2013 (Docket # 45) (“Def. Mem.”).

for injunctive relief should be dismissed as moot.” Id. Because defendants’ motion is legally sound and because plaintiff has not opposed it, the defendants’ motion (Docket # 44) should be granted.

**PROCEDURE FOR FILING OBJECTIONS TO THIS  
REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties have fourteen (14) days including weekends and holidays from service of this Report and Recommendation to serve and file any objections. See also Fed. R. Civ. P. 6(a), (b), (d). Such objections (and any responses to objections) shall be filed with the Clerk of the Court, with copies sent to the Hon. Paul A. Crotty and to the undersigned at 500 Pearl Street, New York, New York 10007. Any request for an extension of time to file objections must be directed to Judge Crotty. If a party fails to file timely objections, that party will not be permitted to raise any objections to this Report and Recommendation on appeal. See Thomas v. Arn, 474 U.S. 140 (1985); Wagner & Wagner, LLP v. Atkinson, Haskins, Nellis, Brittingham, Gladd & Carwile, P.C., 596 F.3d 84, 92 (2d Cir. 2010).

Dated: May 20, 2013  
New York, New York

  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

Copy sent to:

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